

BERGSTEIN & ULLRICH, LLP

- ATTORNEYS AT LAW -

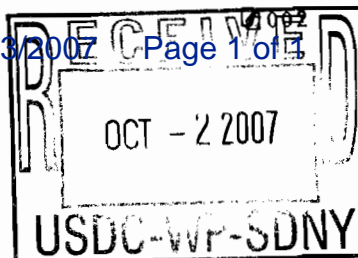
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MEMO ENDORSE

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September 28, 2007

Hon. Kenneth M. Karas
Southern District of New York
300 Quarropas Street
White Plains, New York 10601Re: Noble v. Career Education Corporation
07 Civ. 5832 (KMK) (GAY)

Dear Judge Karas:

This firm represents plaintiff in the above styled matter. Your Honor's Chambers granted me permission to send this letter by facsimile.

I am writing in response to defendant's letter, dated September 18, 2007, requesting that the Court resolve its motion to dismiss filed in violation of this Court's individual practice rules. On September 28, 2007, this Court denied defendant's motion without prejudice but ordered my office to respond to the September 18 letter by October 3, 2007.

I filed my opposition to the motion to dismiss on September 28, 2007, unaware that this Court had denied defendant's request without prejudice. As the motion to dismiss the state law cause of action would not fully dispose of the case and the parties can proceed with discovery while the motion is pending, I do not object to the resolution of this motion without a pre-motion conference.

Very truly yours,

Stephen Bergstein

cc: Kirsten Milton Evans, Esq.
Via Facsimile (312) 324-1000

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The motion will not be reactivated until the Court holds a pre-motion conference, which it will do on November 16, 2007, at 11:00

SO ORDERED

KENNETH M. KARAS U.S.D.J.

10/2/07